

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHARLES BRACCIODIETA,	:	
	:	Hon. Joseph H. Rodriguez
Petitioner,	:	
	:	Civil Action No. 09-5453
v.	:	Criminal Nos. 97-33 and 97-96
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	

ORDER

This matter having come before the Court on an application by Petitioner Charles Bracciодieta, pursuant to 28 U.S.C. § 2255, and the Court having considered the submissions of the parties, without an evidentiary hearing, and for the reasons set forth in the Opinion of even date,

IT IS on this 15th day of July, 2010 hereby

ORDERED that Petitioner's motion for default [4] is dismissed; and it is further

ORDERED that Petitioner's motion for an extension of time to respond [5] is dismissed; and it is further

ORDERED that the Government's motion to dismiss [3] is denied; and it is further

ORDERED that Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied; and it is further

ORDERED that, in light of the failure of Petitioner to demonstrate the denial of a constitutionally protected right and pursuant to 28 U.S.C. § 2253(c), no certificate of

appealability shall issue.

/s/ Joseph H. Rodriguez

Hon. Joseph H. Rodriguez,

UNITED STATES DISTRICT JUDGE